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05/11/07

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 6573 of 2007

PETITIONERS

1. Smt. Chandrakanta Deshmukh W/o Shri Vishal Deshmukh, Aged 44 years, Asstt. Teacher, Girls Primary School, Kasarideeh, Distt.-Durg (C.G.)
2. Smt. Malti Gajbhiye, (After Marriage) W/o Shri Chandra Prakash Gajbhiye, Aged 43 years, Asstt. Teacher, Primary School, Tikari, Distt.-Durg (C.G.)
3. Smt. Vijay Laxmi Thakur, (Now) W/o Shri Kalyansingh Thakur, Aged 43 years, Asstt. Teacher, Pt. Motilal Neharu School, Shankar Nagar, Durg, Distt. – Durg (C.G.)
4. Smt. Padma Sahu, W/o Shri Guru Prasad Sahu, Aged 43 years, Asstt. Teacher, Primary School, Maroda Tank, District – Durg (C.G.)
5. Smt. Triveni Sahu, W/o Shri Sukhdev Ram Sahu, Aged 47 years, Asstt. Teacher, Near Girls School no.1, District – Durg (C.G.)
6. Smt. Kalin Bai, W/o Shri Panna Lal Sahu, Aged 47 years, Asstt. Teacher, Primary School, Khamarhiya, District – Durg (C.G.)
7. Shri Vedram Sahu, S/o Late Shri Gokul Sahu, Aged 44 years, Asstt. Teacher, Govt. Hr. Sec.School, Selud, District – Durg (C.G.)
8. Shri Tilak Ram Thakur, S/o Shri Daya Ram Thakur, Aged 44 years, Asstt. Teacher, Govt. Middle School, Sambalpur, District – Durg (C.G.)
9. Shri Liladhar Sahu, S/o Shri Phool Singh Sahu, Aged 44 years, Asstt. Teacher, Adarsh Hr. Sec. School, Balod, District – Durg (C.G.)
10. Shri Dwarika Prasad Ratre, S/o Shri Toran Prasad Ratre, Aged 45 years, Asstt. Teacher, Primary School, Biroda, District – Durg (C.G.)

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11 Shri Mukund Ram Dhale, S/o Late Shri Bihari Lal, Aged 44 years, Asstt. Teacher, Govt. Hr. Sec. School, Bhawarmara, District – Durg (C.G.)

12 Shri Kirti Kumar Kashyap, S/o Shri Kejuram Kashyap, Aged 45 years, Asstt. Teacher, Primary School, Gadaghat, District – Durg (C.G.)

13 Shri Vishram Singh Yadav, S/o Shri Ram Singh Yadav, Aged 45 years, Asstt. Teacher, Middle School, Sirpur, District – Durg (C.G.)

14 Shri Janaklal Thakur, S/o Shri Bhikhari Ram Thakur, Aged 47 years, Asstt. Teacher, Govt. High School, Pinkapar, District – Durg (C.G.)

15 Shri Ramdin Dewangan, S/o Shri Indalram Dewangan, Aged 45 years, Asstt. Teacher, Govt. Primary School, Boirdeeh, District – Durg (C.G.)

16 Shri Mohanlal Sahu, S/o Shri Hemlal Sahu, Aged 47 years, Asstt. Teacher, Primary School, Surra, District- Durg (C.G.)

17 Shri Somnath Verma, S/o Shri Hiralal Verma, Aged 45 years, Asstt. Teacher, Govt. Middle School, Nawagaonkhurd, Block – Saja, Education District – Bemetara, District – Durg (C.G.)

18 Shri Madanlal Thakur, S/o Shri Kesoram Thakur, Aged 45 years, Head Master, Govt. Primary School, Atarjhola, District – Durg (C.G.)

19 Smt. Vandana Sharma, W/o Shri Ashok Bhatt, Aged 44 years, Asstt. Teacher, Govt. Balmandir, Kasarideeh, District – Durg (C.G.)

Versus

RESPONDENTS

1 The State of Chhattisgarh Through – Secretary, School Education Department, D.K.S. Bhawan, Raipur (C.G.)

2 The Director of Public Instructions, Raipur (C.G.)

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3 The District Education Officer, Durg/Bemetara (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Ajay Shrivastava, counsel for the petitioners.

Shri Pradeep Singh, Panel Lawyer for the State on advance copy.

ORAL ORDER
(31.10.2007)

SUNIL KUMAR SINHA, J

Heard.

Learned counsel for the petitioners submits that the issue involved in the case is as to whether the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period. He submits that the issue involved herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No.2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. and others), wherein, it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No.6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from the date of initial appointment.

Learned counsel for the petitioners further submits that this Court, while considering the same issue in Ram Kumar Sahu and others Vs. State Govt. of Chhattisgarh and another (W.P.(S) No.813 of 2007) by order dated 12.2.2007, has granted regular pay scale w.e.f. the date of initial appointment.

Learned counsel for the parties jointly submits that this case is squarely covered by the decision of this Court in the case of Ram Kumar Sahu and another (supra).

In view of that, this petition is allowed in the same terms.

However, this order shall be subject to all verifications made by the State regarding facts pleaded in the petition.

Sd/-
Sunil Kumar Sinha
Judge